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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,862	03/29/2004	Trevor Honeyman	1320.10	2861

21901 7590 01/05/2007
SMITH HOPEN, PA
180 PINE AVENUE NORTH
OLDSMAR, FL 34677

EXAMINER

LEE, CLOUD K

ART UNIT	PAPER NUMBER
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3753

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/708,862

Applicant(s)

HONEYMAN ET AL.

Examiner

Cloud K. Lee

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-15 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-15 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. It appears that applicant wishes to claim the priority as the national stage 35 U.S.C.371 of an international application, however, the examiner does not have the authority to grant the priority claims of an application. If applicant wishes to claim the benefit as the national stage 35 U.S.C.371 of an international application, please see the letter of May 24, 2004 and file a proper petition.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 and 4-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "...the fluid in both circuits is circulating all the time and under any configuration of offtake closings or opening, said constant circulation inhibiting bacterial growth in the absence of disinfectants and elevated fluid temperature" in claim 1 (page 4 lines 1-2) was not described in the specification.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dunnleder in view of Rjornsson (Patent No. 6,142,179).

Dunnleder discloses a fluid delivery system (Figure 5) comprising a storage vessel (6a), a first pipe work loop (from 20 through 6a to 10), the storage vessel is in fluid communication with the first pipe work loop, the first pipe work loop includes a first pump (4a and 4b) which urges fluid to flow in a first direction through the first pipe work loop at a first pressure and which follows a path of travel that returns to the storage vessel, a pipe work branch (11 through 2 to 15), wherein the storage vessel is being in fluid communication with at least one pipe work branch, the pipe work branch includes a second pump (14a, 14b and 14c), a branch manifold (2a, 2b and 2c is read as branch manifold) positioned in the pipe work branch provides a second pressure, an offtake (12) positioned downstream of the branch manifold (see figure 5), a first hose (2) is provided in fluid communication between the ranch manifold and the offtakes, a return manifold (between 43 and 15) in the first pipe work loop downstream of the first pump, wherein the fluid flows in the first direction through the return manifold and is returned to the

fluid storage vessel when at least one offtake is closed, wherein opening of the offtakes opens the system to atmospheric pressure.

Dunnleder does not explicitly disclose the fluid flow in a second direction opposite to the first direction when at least one offtake is opened. However, the offtakes (12) are opening the system to atmospheric pressure, and the fluid is flowing in a second direction opposite to the first direction because of the work branch loop pressure that generated by the pumps (14a, 14b and 14c) in the system is much greater than the atmospheric pressure. Therefore, Dunnleder meets this limitation.

Dunnleder fails to disclose a fluid cleaning components.

Rjornsson discloses a filter (Figure 1 element 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Dunnleder's device with a filter, as taught by Rjornsson, to insure the fluid inside is clean (Col 3 line 23-26).

6. Claim 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunnleder (European Patent Application No. 0 594 020) in view of Hietanen (German Patent Application No. DE 198,26,696 A1).

Dunnleder fails to disclose at least a second hose.

Hietanen discloses a second hose (17) is provided in fluid communication in at least one offtake (see figure 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a second hose in order to circulate the water when the offtakes are closed as taught by Hietanen (see pages 5 lines 3-10).

Response to Arguments

7. Applicant's arguments with respect to claim 1 has been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that Dunnleder does not disclose a storage vessel, a first pump, a return manifold that has plural outlets (offtakes), Dunnleder discloses a storage vessel (6a), a first pipe work loop (from 20 through 6a to 10), a first pipe work loop includes a first pump (4a and 4b), a pipe work branch (11 through 2 to 15), a branch manifold (2a, 2b and 2c is read as branch manifold), a return manifold (between 43 and 15) in the first pipe work loop downstream of the first pump and a plurality of offtakes (12).

In response to applicant's argument that Dunnleder does not disclose the fluid flows in a first direction through the first and second set of hoses to the offtakes when the offtakes are in opened position and the fluid flows through the second hose to a second direction opposite to the first flow direction when the offtakes are closed, it is noted that the features which applicant relies are not recited in the rejected claim 15. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

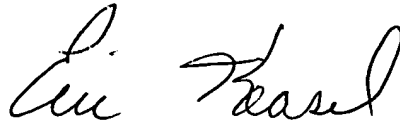
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cloud K. Lee whose telephone number is (571)272-7206. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571)272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CL

A handwritten signature in black ink, appearing to read "Eric Keasel", written in a cursive style.

ERIC KEASEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700